

Remarks/Arguments

Claims 1, 2, 4-14 and 24 are cancelled. New claim 25 is presented for consideration. Applicants submit that new claim 25 is supported by the specification, for example, pages 45 and 46.

Applicants submit that the rejection of claims 1, 2 and 4-14 under 35 USC 112, first paragraph, is overcome by new claim 25.

The previously pending claims were rejected under 35 USC 103(a). Applicants assert that such a rejection should not be applied against new claim 25 because data in the record demonstrates an unexpected advantage when a combination of a FLT-3 inhibitor and a histone deacetylase inhibitor is used to treat acute myeloid leukemia.

Applicants have previously submitted Bali et al, Clinical Cancer Research, Vol. 10, pp. 4991-4997 (2004). Bali et al describes experiments where the combination of PKC412 (the present FLT-3 inhibitor) and the histone deacetylase inhibitor, LAQ824 (N-hydroxy-3-[4-[[[(2-hydroxyethyl)]2-(1H-indol-3-yl)ethyl]-amino]methyl]phenyl]-2E-2-propenamide), synergistically induced apoptosis of MV4-11 cells and induced more apoptosis of the primary AML cells expressing mutant FLT-3. See, for example, the Abstract and pages 4994-4996, particularly Figure 3 on page 4994.

At pages 4 and 5 of the Office action, the Examiner explains the basis for asserting that the presently claimed invention is *prima facie* obvious. However, there is no explanation of why, in the Examiner's opinion, the rebuttal evidence presented in Bali et al and in the present specification is not sufficient to overcome any *prima facie* obviousness. Applicants assert that the prior art does not contain any disclosure that would lead one of ordinary skill in the art to expect that the combination would provide the results demonstrated in Bali et al. Therefore, the data presented in Bali et al rebuts any *prima facie* obviousness.


Applicants assert the rejection under 35 USC 103 should not be applied against new claim 25 for the reasons discussed above.

Entry of this amendment and reconsideration and allowance of the claim is respectfully requested.

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Respectfully submitted,



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